

Austin, Texas,
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 75 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 220 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

SIXTY-EIGHTH DAY

(Monday, May 15, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Metcalfe	Van Zandt
Moffett	Weinert
Moore	

Absent

Head	Martin
Lemens	Winfield

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 12, 1939, was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Aikin submitted the following report of the Committee on Education:

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1015 by Cleveland and Dowell, A bill to be entitled "An Act amending Section 4 of House Bill No. 899, Chapter 146 of the Local and Special Laws, page 572 of the Regular Session of the Thirty-third Legislature, 1913, fixing number of school trustees in Kyle Independent School District in Hays County; repealing all laws and parts of laws, General and Special, in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

AIKIN, Chairman.

Senator Spears submitted the following report of the Committee on Labor:

Austin, Texas,
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 419, A bill to be entitled "An Act amending Sections 3, 5, and 12, of House Bill 352 of the Regular Session of the Forty-fifth Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the Committee Substitute do pass in lieu of the original House Bill No. 419, and be printed.

SPEARS, Chairman.

Senator Weinert submitted the following report of the Committee on State Affairs:

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 51 by Moffett, Granting permission to Mrs. Harvey Sharp, joined by her husband, T. J. Sharp, to bring suit against the State of Texas and/or the State Highway Department,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 hereto attached, and be not printed.

WEINERT, Chairman.

Senate Bill 11 on Second Reading

Senator Moffett moved that the regular order of business be suspended, to permit consideration of S. B. No. 11 at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Nelson
Brownlee	Pace
Burns	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Lanning	Stone
Metcalf	of Washington
Moffett	Sulak
Moore	Weinert

Nays—3

Beck	Van Zandt
Cotten	

Present—Not Voting

Spears

Absent

Collie	Martin
Kelley	Winfield
Lemens	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 11, A bill to be entitled "An Act making an appropriation for the 'Pease River Flood Control District'; designating who shall have authority to execute vouchers; limiting the purposes for which the money may be spent; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following (committee) amendment to the bill:

Amend Senate Bill No. 11 by striking out the figures \$7,500 and insert in lieu thereof the figures \$6,000.

The (committee) amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 11, page 1, by adding a new section to be numbered Section 1-A and reading as follows:

Section 1-A. There is hereby appropriated for the use of the "San Antonio River Canal and Conservancy District of Bexar County, Texas, and the Upper Guadalupe River Authority of Kerr County, Texas" out of any funds in the State Treasury not heretofore otherwise appropriated, the sum of six thousand dollars, each, which may be withdrawn from time to time on vouchers signed by the General Manager and Treasurer of the District, upon which the State Comptroller shall draw his warrant upon the Treasurer of the State of Texas; said funds are to be used under the direction and only with the consent of the Directors of the "San Antonio River Canal and Conservancy District and the Upper Guadalupe River Authority," said District having been created by acts of the Texas Legislature, and said funds shall be used for the uses and purposes set forth in said act.

The amendment was adopted.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 11 by adding at the end of Section 1 the following:

To the Upper Colorado River Authority: \$5,000.00.

To the Central Colorado River Authority: \$5,000.00.

To the Lower Concho River Authority: \$3,000.00.

The amendment was adopted.

Senator Beck offered the following amendment to the bill:

Amend S. B. No. 11 by adding a new section to be numbered 1-A, to read as follows:

There is hereby appropriated the sum of \$6,000.00 to Sulphur River Drainage and Conservation District to be paid out as provided for in this bill.

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 11 by adding a new section to be numbered 1-C:

There is hereby appropriated to the San Jacinto River Authority the sum of \$3,000 each year to be paid out as provided for in this bill.

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 11 by adding thereto an appropriation for the "Red Bluff Water Power Control District" of \$6,000.00, payable \$3,000.00 annually.

WINFIELD,
SPEARS,
METCALFE,
NELSON.

The amendment was adopted.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 11 by adding at the end of Section 1, the following: To the Nueces River Authority, \$6,000.00.

KELLEY,
METCALFE,
SPEARS.

The amendment was adopted.

Senator Moffett offered the following amendment to the bill: :

Amend caption to conform to changes in the body of the bill.

The amendment was adopted.

The bill then was passed to engrossment.

Senate Bill 11 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Lanning	Sulak
Metcalfe	Van Zandt
Moffett	Weinert
Moore	

Absent

Kelley	Martin
Lemens	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Shivers and Senator Isbell asked to be recorded as voting "nay" on the passage of the bill.

Senate Bill on First Reading

Senator Van Zandt moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mocre
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	

Absent

Kelley

Winfield

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Van Zandt:

S. B. No. 462, A bill to be entitled "An Act amending Section 1, of Chapter 80, page 122, Acts of the Forty-second Legislature, Regular Session, so as to more adequately define the powers of the Governor of Texas in appointing the members of the State Commission for the Blind, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. C. R. No. 146, Authorizing certain corrections in H. B. No. 9.

H. B. No. 723, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; providing that before payment of any claim shall be paid from funds hereby appropriated the same shall have the approval of the State Comptroller, the State Auditor, and the Attorney General, and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named, and declaring an emergency."

H. B. No. 1080, A bill to be entitled "An Act to authorize the citizens of Gregg County to adopt a County Home Rule Charter, to specify the requirements for adoption of such Charter; and declaring an emergency."

H. B. No. 1085, A bill to be entitled "An Act amending Section 5 of House Bill No. 955, of the Regular Session

of the Forty-sixth Legislature, prescribing taxable values in certain school districts; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bill 380 on Final Passage

The President laid before the Senate, as unfinished business, on its final passage (the bill having been read third time on May 5, 1939):

S. B. No. 380, A bill to be entitled "An Act providing that, with the approval of the Board of Insurance Commissioners, and upon terms and conditions prescribed by said Board, any local Mutual Aid Association, as defined by law, or any State-wide Mutual Assessment Life Insurance Company, or Accident Insurance Company, or Health Insurance Company, or Life and Accident, or Health and Accident, or Life, Health and Accident Insurance Company, incorporated under the laws of this State and the license to transact business and transacting business under the provisions of Chapter 245, Acts of the Regular Session of the Forty-third Legislature, being H. B. No. 303, enacted at the Regular Session of said Legislature, as amended, may be vote of its members, convert itself into an incorporated stock company; etc., and declaring an emergency."

Question—Shall the bill be passed?

Yeas and nays were demanded, and the Senate refused to pass the bill by the following vote:

Yeas—13

Brownlee	Nelson
Collie	Pace
Cotten	Redditt
Graves	Small
Hardin	Sulak
Head	Van Zandt
Lemens	

Nays—16

Aikin	Moffett
Beck	Moore
Burns	Roberts
Hill	Shivers
Isbell	Stone
Kelley	of Galveston
Lanning	Weinert
Martin	Winfield
Metcalf	

Present—Not Voting

Spears

Absent

Stone
of WashingtonReport of Conference Committee on
House Bill 194

Senator Spears moved that the report of the Conference Committee on H. B. No. 194, heretofore submitted and printed in the Journal, be adopted.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lemens
Brownlee	Metcalf
Burns	Moffett
Collie	Nelson
Cotten	Redditt
Graves	Roberts
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Winfield
Lanning	

Nays—9

Beck	Small
Martin	Stone
Moore	of Washington
Pace	Van Zandt
Shivers	Weinert

Senate Bill 460 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 460 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 460, A bill to be entitled "An Act validating bonds of any city having a population of more than fifty thousand (50,000) and less than one hundred thousand (100,000), according to the last preceding United States Census, and operating under a home rule charter adopted pursuant to amended Section 5, Article 11, Texas Constitution, which bonds have been heretofore voted subsequent to the enactment of Chapter 382, General Laws passed by the Forty-fourth Legislature, at its First Called Ses-

sion in 1935, and which bonds are payable from the levy of ad valorem taxes; authorizing such city to complete its proceedings for the authorization and delivery of such bonds; providing that the provisions of this Act shall not apply to any proceedings, levies, or to any bonds or warrants issued thereunder, the validity of which has been contested or attacked in suit or litigation, which is pending at the time this Act becomes a law; enacting provision incident and relating to the subject and purpose of this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 460 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 460 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell
Cotten	Kelley

Lanning	Small
Lemens	Spears
Martin	Stone
Metcalf	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 15, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following resolutions:

H. C. R. No. 147, Instructing the
Enrolling Clerk of the House to make
certain corrections in House Bill No.
28.

H. C. R. No. 148, Requesting that
the Governor return Senate Bill No.
181 by Kelley, to the House of Rep-
resentatives for further consideration.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution 148

The following resolution, received
from the House today, was laid be-
fore the Senate:

H. C. R. No. 148, Recalling S. B.
No. 181 from the Governor.

The resolution was read; and on
motion of Senator Kelley, and by
unanimous consent, it was considered
immediately.

The resolution was adopted.

House Concurrent Resolution 147

The following resolution, received
from the House today, was laid before
the Senate:

H. C. R. No. 147, Authorizing cer-
tain corrections in enrolled copy of
H. B. No. 28.

The resolution was read; and by
unanimous consent, it was considered
immediately.

The resolution was adopted.

Senate Bill on First Reading

Senator Brownlee moved that the
rule relative to the introduction of
bills after the first 60 days of the
Regular Session of the Legislature
be suspended to permit his introduc-
ing a general bill at this time.

The motion prevailed by the fol-
lowing vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The following bill then was intro-
duced, read first time, and referred
to the committee indicated:

By Senator Brownlee:

S. B. No. 463, A bill to be entitled
"An Act to amend Section 4 of House
Bill No. 25, Chapter 24, of the Gen-
eral and Special Laws of the Forty-
fifth Legislature, First Called Ses-
sion, relating to the salary of County
Auditors in certain counties; provid-
ing a saving clause; repealing all
laws in conflict herewith; and de-
claring an emergency."

Referred to Committee on Counties
and County Boundaries.

Senate Bill 395 on Second Reading

On motion of Senator Hardin and
by unanimous consent, the regular
order of business was suspended, to
permit consideration of S. B. No. 395
at this time.

The President laid before the Sen-
ate on its second reading and passage
to engrossment:

S. B. No. 395, A bill to be entitled
"An Act to provide for the safety,
care, comfort, convenience and proper
accommodation and transportation of

passengers in sleeping cars, parlor cars and chair cars operated on railroads in this State, by requiring certain representatives or employees thereon or in charge thereof specially; and to make any violation of this Act a misdemeanor, and fix the punishment therefor; including a saving clause and declaring an emergency."

The bill was read second time.

Senator Hardin offered the following (committee) amendment to the bill:

Amend S. B. No. 395 by striking out the word "resolved" in the enacting clause and insert the word "enacted".

The amendment was adopted.

Senator Hardin offered the following (committee) amendment to the bill:

Amend S. B. No. 395, Section 1, by striking out the word "be" down and through "be" in line 3, and substitute in lieu thereof the following: "It shall be unlawful for any carrier to operate or permit to be operated any sleeping car, parlor car, or chair car which shall be operated on any line of railroad in this State."

Senator Moore offered the following substitute for the (committee) amendment:

Amend Section 1 of S. B. No. 395 by striking out the following at the beginning of such section: "Be it enacted by the General Assembly of the State of Texas that no sleeping car, parlor car or chair car shall be operated" and inserting in lieu thereof the following: "It shall be unlawful for any carrier to operate, or permit to be operated in actual transit, any sleeping car, parlor car, or chair car" and amend the caption to conform.

The substitute was adopted.

The (committee) amendment as substituted was adopted.

The bill then was passed to engrossment.

Senate Bill 395 on Third Reading

Senator Hardin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 395 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Senate Bill on First Reading

Senator Kelley moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Brownlee
Beck	Burns

Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Kelley:

S. B. No. 464, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Duval County; conferring upon said Court complete civil and criminal jurisdiction and general jurisdiction of the probate court due said court under the Constitution and General Laws of Texas; conforming the jurisdiction of the District and Justice Courts of said county to such change; repealing Chapter 60 of the Acts of the 43rd Legislature, First Called Session and all other laws and parts of laws in conflict with this Act; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 69, "An Act providing that no party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error; providing for a repeal of all laws and parts of laws insofar as they conflict with this Act or repeal; providing that writ of error shall continue to be available under the rules and regulations of the law, to a party who does not participate in the trial of the case in the trial court; providing for the effective date of this act, and declaring an emergency."

S. B. No. 402, "An Act granting to all taxpayers in this State discounts for the advance payment of ad valorem taxes due to State and all governmental and political subdivisions and taxing districts of the State as authorized in Section 20, Article 8 of the Constitution of this State adopted August 23rd, 1937, and declaring an emergency."

Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 723, to Committee on Public Debts, Claims and Accounts.

H. B. No. 1085, to Committee on Education.

H. B. No. 1080, to Committee on Counties and County Boundaries.

Recess

On motion of Senator Hill, the Senate, at 12:00 o'clock m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by President Pro Tempore Moore.

House Concurrent Resolution 122

The President Pro Tempore laid before the Senate, for consideration at this time:

H. C. R. No. 122, Granting O. L. Neyland permission to sue the State of Texas.

The resolution was read.

Senator Metcalfe offered the following (committee) amendment to the resolution:

Amend H. C. R. No. 122 by Gilmer by adding a new paragraph just above the resolving clause, as follows:

"However, the sole purpose of this resolution is to grant permission to said O. L. Neyland, his agents, heirs, or legal representatives, to bring suit against the State of Texas, and no admission of the liability of the State is made by this resolution, but the facts as set out above shall be subject to proof in the court."

And also amend said resolution by taking the "now, therefore, be it" in the last Whereas clause and put it at the end of the above inserted paragraph.

The amendment was adopted.

The resolution, as amended, was adopted.

Senate Bill 461 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 461 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 461, A bill to be entitled "An Act providing that any person of good moral character who, on May 22, 1937, had been engaged in the practice of architecture in this State for a period of at least six months prior to said date and who failed to obtain a registration certificate as provided for in Section 7 of Chapter 478, Acts of 1937, Forty-fifth Legislature, may have thirty (30) days from the date upon which this Act goes into effect in which to file with the Board of Architectural Examiners the affidavit and pay the fee of \$25.00 in order to obtain a certificate authorizing such person to practice Architecture in the State of Texas, as provided in said Act, and further amending said Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 461 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 461 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell
Cotten	Kelley

Lanning
Lemens
Martin
Metcalf
Moffett
Moore
Nelson
Pace
Redditt
Roberts
Shivers

Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett

Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

House Bill 1067 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1067 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1067, A bill to be entitled "An Act providing that the securities issued by the Texas National Guard Armory Board shall be legal and authorized investments for life insurance companies and other concerns, officials and persons, as mentioned on the Act, and for public funds, including sinking funds of cities, school districts and other political corporations or subdivisions of said State, and that such securities shall be eligible to secure the deposit of such public funds and sufficient security to the extent of their value, for such deposits; providing that a finding of

unconstitutionality of any part of this Act shall not affect the remainder, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1067 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1067 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Senate Bill 19 on Final Passage

The President Pro Tempore laid before the Senate, as unfinished business, on its final passage (the bill having been read third time on April 13, 1939):

S. B. No. 19, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons; providing for one reprieve of not more than thirty (30) days in any capital case, empowering the Governor to revoke paroles and other forms of clemency; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations, and empowering them to employ a secretary, a state parole supervisor and other employees; providing for the organization of the Board; providing that the chairman shall be elected by the Board; providing for removal of Board members for cause; providing for the maintenance of offices and location of same; etc., and declaring an emergency."

Question—Shall the bill be passed?

Senator Martin raised a question as to the presence of a quorum.

The Secretary was directed to call the roll to ascertain whether or not there was a quorum present.

The roll was called, and the following 25 members were present:

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Martin
Graves	Metcalf
Hardin	Moore
Head	Nelson
Hill	Pace

Redditt
Roberts
Small
Spears

Stone
of Galveston
Sulak
Winfield

A quorum was announced present.

Question recurred—Shall S. B. No. 19 be passed?

Senator Martin moved to table the bill.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—11

Beck
Brownlee
Kelley
Lemens
Martin
Moffett

Nelson
Roberts
Stone
of Galveston
Sulak
Winfield

Nays—17

Aikin
Burns
Colie
Cotten
Graves
Hardin
Hill
Lanning
Metcalf

Moore
Pace
Redditt
Shivers
Small
Spears
Van Zandt
Weinert

Absent

Head
Isbell

Stone
of Washington

(President in the Chair.)

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 19 by adding thereto another section after Section 4, to be known as Section 4a, as follows:

"The Governor shall have the power to remit forfeitures, recognizances, and bail bonds upon the written recommendation and advice of a majority of the Board of Pardons and Paroles."

The amendment was adopted unanimously.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 19 by striking out, in Section 18, lines 8 and 9 thereof, the following: "and no prisoner who maims himself shall be considered for parole."

The amendment was adopted unanimously.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 19 by striking out Sections 16 and 17 thereof, renumbering succeeding sections accordingly, and substituting in lieu thereof the following:

"Section 16. Every prisoner sentenced to an indeterminate sentence and now confined in the penitentiary or hereafter sentenced thereto and confined therein on an indeterminate sentence, and who has never before been imprisoned in a state penitentiary in this or any other State of the United States or in a Federal penitentiary, when he shall have to his credit a period of time equal to the minimum term of sentence imposed upon him for the crime or crimes for which he was convicted, shall be deemed eligible for parole except as hereinafter provided, and every prisoner now or hereafter confined in the penitentiary on an indeterminate sentence, and who shall have theretofore, prior to the beginning of the sentence which he is serving, been imprisoned in a state penitentiary in this State or any other State of the United States, or in a Federal penitentiary shall be deemed eligible for a parole when he shall have to his credit a period of time equal to one-third of the term or terms for which he was sentenced, except as herein provided, and every prisoner now or hereafter confined in the penitentiary on a definite sentence shall be deemed eligible for parole when he shall have to his credit a period of time equal to one-third of the time for which he was sentenced except as hereinafter provided; provided, further, in computing the time in the case of an indeterminate sentence, the largest period of time mentioned in said indeterminate sentence shall control; and provided further that in determining when one-third of the time shall have been served, there shall be taken into consideration all commutation of time and other time which said prisoner shall have earned for good behavior and for overtime under the laws of this State, except as provided in Section 19 hereof."

The amendment was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Beck	Moffett
Brownlee	Nelson
Collie	Roberts
Graves	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Winfield

Nays—12

Aikin	Moore
Burns	Pace
Cotten	Redditt
Hardin	Shivers
Hill	Small
Isbell	Weinert

Absent

Head	Stone
	of Washington

Senator Nelson offered the following amendment to the bill:

Amend S. B. No. 19, Section 18, line 5, by striking out the following: "at the discretion of the Board" and substituting therefor the following: "after he has served one-third of the maximum sentence assessed him."

The amendment was adopted unanimously.

Senator Martin moved to suspend the rule relating to reconsideration to permit his making, and the Senate considering, at this time a motion to reconsider the vote by which S. B. No. 19 was passed to engrossment.

The motion was lost by the following vote:

Yeas—13

Brownlee	Moffett
Collie	Nelson
Isbell	Roberts
Kelley	Stone
Lanning	of Galveston
Lemens	Weinert
Martin	Winfield

Nays—15

Aikin	Moore
Burns	Pace
Cotten	Redditt
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Sulak
Metcalfe	

Absent

Beck	Van Zandt
Stone	
of Washington	

Senator Nelson offered the following amendment to the bill:

Amend S. B. No. 19, Section 18, line 8, by striking out the following: "at the discretion of the Board" and substituting therefor the following: "after he has served one-third of the maximum sentence assessed against him."

The amendment was adopted unanimously.

Senator Martin offered the following amendment to the bill:

(1) Amend the bill by striking out all before the enacting clause and inserting in lieu thereof the following:

A bill to be entitled "An Act amending Article 6203 of Title 108 of the Revised Civil Statutes of Texas, as revised in 1925, as amended by Chapter 45, Acts of the First Called Session of the Forty-first Legislature, by Chapter 9 of the Fourth Called Session of the Forty-first Legislature, and by Chapter 11 of the Fifth Called Session of the Forty-first Legislature, defining the powers and duties of the Board of Pardons and Paroles; fixing the domicile of said Board; authorizing the maintenance thereof; providing for the selection of a chairman thereof and defining his duties; establishing a system of parole for convicts sentenced to the penitentiary of this State; requiring District Judges, Criminal District Judges, Prosecuting Attorneys, and Sheriffs to furnish information relating to convicts sent to the penitentiary from their respective courts or jurisdiction, upon request by the Board; providing for what sum of money, clothing, and transportation shall be furnished to convicts when released on parole; requiring prison officials and their employees to furnish the Board with such information and reports relative to convicts as the Board may request; making the records of convicts on file in the office of the Secretary of State available to the Board; enacting other matters incidental to the subject of this Act; and declaring an emergency."

Whereas, The following Constitutional Amendment was duly submitted to the voters of Texas and adopt-

ed by said voters on the first Tuesday after the first Monday in November, 1936:

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 11 of Article IV of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Section 11. There is hereby created a Board of Pardons and Paroles, to be composed of three members, who shall have been resident citizens of the State of Texas for a period of not less than two years immediately preceding such appointment, each of whom shall hold office for a term of six years; provided that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years from the first day of February, 1937, and they shall cast lots for their respective terms. One member of said Board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of the State of Texas, and one member by the Presiding Justice of the Court of Criminal Appeals; the appointments of all members of said Board shall be made with the advice and consent of two-thirds of the Senate present. Each vacancy shall be filled by the respective appointing power that theretofore made the appointment to such position and the appointive powers shall have the authority to make recess appointments until the convening of the Senate.

"In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction, on the written signed recommendation and advice of the Board of Pardons and Paroles, or a majority thereof, to grant reprieves and commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon the written recommendation and advice of a majority of the Board of Pardons and Paroles, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days; and he shall have the power to revoke paroles and conditional pardons. With the advice and consent of the Legislature, he may grant reprieves, commutations of punishment and pardons in cases of treason.

"The Legislature shall have power to regulate procedure before the Board of Pardons and Paroles and shall require it to keep record of its actions and the reasons therefor, and shall have authority to enact parole laws."

(Which Amendment was self-enacting and became effective February 1, 1937.)

Whereas, said Amendment authorized the Legislature to pass parole laws; regulate the procedure before the Board of Pardons and Paroles; and to require it to keep a record of its action; therefore,

(2) And also amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 6203 of Title 108 of the Revised Civil Statutes of Texas, as revised in 1925, as amended by Chapter 45, Acts of the First Called Session of the 41st Legislature, by Chapter 9 of the Fourth Called Session of the 41st Legislature, and by Chapter 11 of the Fifth Called Session of the 41st Legislature shall hereafter read as follows:

"Article 6203:

"Section 1. Board of Pardons and Paroles. The Board as created by the foregoing Constitutional Amendment shall be known and designated under the official title of the Board of Pardons and Paroles, hereinafter referred to as the Board. The three members of the Board mentioned in said Amendment shall be resident citizens of the State for a period of not less than two years immediately preceding such appointment, each of whom shall hold office for a term of six years and shall be appointed as designated in said Constitutional amendment. Said Board shall have its domicile in the City of Austin, Texas, and shall be provided with suitable offices in the Capitol, or near thereby, properly furnished with necessary furniture and file cases, and provided with such stationery and other appliances which may be necessary for the speedy and proper dispatch of the business for which it was created, as well as herein directed to perform. Said Board shall make a thorough examination of the records of all the convicts now in the penitentiary, or hereafter sent to the penitentiary, in the manner hereinafter directed. The Board, or any of

its members, may spend such time at the penitentiary, or at any units thereof, looking into the conditions of such convicts as they may desire. Said Board shall be required to keep a record in which shall be entered the name of all the convicts that are now in the penitentiary, or may be hereafter sent to the penitentiary, giving the prison number of the convict, his name, when and where convicted, his sentence, his offense, the action taken by said Board and the date of said action.

"Sec. 2. Organization of Board. Immediately after the effective date of this Act, or as soon thereafter as may be practical or convenient, the Board shall designate one of its members to act as Chairman, who shall be the presiding officer of said Board, and shall serve until February 1, 1941, when a new Chairman shall be chosen to serve for a period of two years; and a new Chairman shall be chosen every two years thereafter on said date, or as soon thereafter as may be practical or convenient. In the event of the death or resignation of the Chairman, a new Chairman may be chosen by the Board from its members. In the absence of the Chairman, one of the other members of the Board shall act as Chairman.

"Sec. 3. Application for Pardon. It shall not be necessary for any convict, or his agents, to make application to the Board, but he may be permitted to do so whenever he sees fit.

"Sec. 4. Duties of Board. It shall be the duty of the Board to ascertain and recommend to the Governor what prisoners serving in the State Penitentiary may profitably, both to themselves and to society, be released on parole, and when and under what conditions. Unless otherwise recommended by the Board, said convicts shall be paroled by the Governor to some suitable person in the county where the convict desires to go, who is to aid the convict in securing employment and to report to the Governor any violation of law or misconduct on the part of said convict.

"Sec. 5. Pre-Parole Records. It shall be the duty of the Bureau of Records and Identification of the Texas Prison System, as soon as it is practical after a convict is received at the penitentiary, to send to the Board a record of said convict, giving his prison number, name when and

where convicted, his sentence, his offense, the date his sentence began, the date he was received at the penitentiary, and, if an ex-convict, to give the prison history of the offenses for which he was previously convicted, if known, and such other information as the Board may request. Upon the receipt of said information, it shall be the duty of the Board to address a letter to the trial judge, prosecuting attorney, and sheriff of the county where the convict was convicted requesting each of them to give a brief summary of the facts in the case and for such other information as the Board may deem necessary to enable it to dispatch its duties properly in connection therewith. It shall be the duty of said officers, and each of them, to furnish the Board with said information within fifteen (15) days after the receipt by them of said request. It shall be the duty of the Secretary of State to permit said Board to examine the records on file in his office affecting any convict whose case is being investigated by said Board, and shall permit the Board to remove said records, only temporarily, to its offices for inspection and examination.

"Sec. 6. Who May Be Paroled. Every person sentenced to an indeterminate sentence or a definite sentence now confined in the penitentiary, or hereafter sentenced, who has never before been convicted of a crime punishable by imprisonment in a State prison, in this or any other State or nation, shall be deemed eligible to be considered for a parole when he shall have served one-third of the maximum term for which he was sentenced, but such prisoner shall not be recommended for release upon parole under the terms of this Act until he shall have served one-third of his sentence, including commutation, time and overtime gained, and has a clear prison record at the time of his release.

"Sec. 7. Reasons for Release. The Board shall take into consideration the fact that the object of punishment is (1) to suppress crime, which includes sufficient punishment to afford deterrence, and (2) to reform the offender. No prisoner shall be recommended for release on parole merely as a reward for good conduct or efficient performance of duties assigned in prison but only if the Board is of the opinion that there is reasonable

probability that if such prisoner is released, he will live and remain at liberty without violating the law and that his release is not incompatible with the welfare of society. If said convict is afflicted with a communicable venereal disease, the Board may refuse to recommend said convict for a parole until the prisoner is cured and the disease is no longer communicable and it has been so advised by the Prison Physician.

"Sec. 8. Method of Release. Whenever the Board, or a majority thereof, shall be of the opinion that the facts and records in a convict's case meet with the foregoing requirements of this Act, it may recommend a parole for said convict under conditions hereafter mentioned.

"Sec. 9. Conditions of Parole. When a prisoner is released on parole, the Board shall specify in writing the conditions of the parole and the Governor shall include the conditions in his proclamation, and a copy of such conditions shall be given to the parolee. A violation of such conditions may render the prisoner liable to arrest and re-imprisonment for the full term of his sentence. The Board shall adopt general rules with regard to conditions of parole and their violation and may make special rules to govern particular cases, together with such other rules and regulations as may be necessary to carry out the purposes of the Act and the powers hereby conferred. Such rules, both general and special, may include, among other things, a requirement that the parolee may not leave the State without the consent of the Board, that he shall contribute to the support of his dependents, that he shall make restitution for his crime, that he shall abstain from the use of intoxicating liquors and habit-forming drugs, that he shall abandon evil associates and ways, that he shall carry out the instructions of his parole officer, and in general so lawfully comport himself as such officers shall determine. The Governor, in his proclamation, shall parole the convict to some party who will aid the convict in securing employment and report to the Governor any violation of law or misconduct on the part of the parolee.

"Sec. 10. Upon the discharge of any prisoner upon parole, such person so paroled shall be furnished by the proper officers of the State Prison

Board with such clothing as is usually furnished to prisoners upon discharge from prison in this State together with a railroad non-transferable ticket from the place of his discharge to the place of his conviction and sentence, and in addition thereto the sum of Five (\$5.00) Dollars.

"Sec. 11. Violation of Parole. If the parole officer or any member of the Board shall learn that the parolee has violated the conditions of his parole, or if any peace officer shall arrest said convict for the violation of any law, or if a Grand Jury shall indict said convict for an offense while he is out on parole, each and all of said parties shall notify the Governor and he shall take such action as he deems prudent in revoking said convict's parole and order him to be returned to the penitentiary to serve the remainder of his unexpired term. If it should come to the knowledge of the Board that the parolee was not guilty of charges of violating his parole and is convinced that the causes for which the parole was revoked have been removed or were not well-founded, then the Board shall have authority to recommend a re-instatement of said parole to the Governor for such action as he may deem proper.

"Sec. 12. Felony Committed While on Parole. If any prisoner be convicted of a felony while on parole, he shall, in addition to the sentence which may be imposed for such felony, and before beginning to serve such sentence, be compelled to serve in State's prison the portion remaining of the maximum term of the sentence on which he was released on parole from the time of such release on parole to the expiration of such maximum. No such person shall be eligible for any further parole at any time.

"Sec. 13. No Discharge from Parole. No person released on parole shall be discharged from parole prior to the expiration of the full maximum term for which he was sentenced. The Governor, upon a majority recommendation of the Board, may permit such prisoner to leave the State, or county, if satisfied that this for the best interests of society. However, it is provided that the Board may, in its discretion, recommend the restoration of citizenship rights to any convict who has obeyed the law and demeaned himself properly for one

year after he has been discharged for full service, or to any paroled convict who has obeyed the law and demeaned himself properly for FIVE years while out on a general parole or conditional pardon, upon the recommendation of six reputable citizens who have been personally acquainted with the convict ever since his release, and such other evidence as the Board accept to prove the good conduct of the convict for the time specified above.

"Sec. 14. Records. The Board shall be provided with suitable cabinets in which to keep the records of the convicts, including finger-prints, photographs, and confidential reports of trial officers and other sources. The Board may make rules as to the privacy of such records and their use by others than the Board and its staff.

"Sec. 15. Co-operation. Right of Access to Prisons. The Warden or manager of each prison and all officers and employees thereof and all other public officials and employees shall at all times cooperate with the Board, and shall furnish to such Board, its officers and employees such information as may be necessary to enable it to perform its functions, and such Wardens and other employees shall at all times give the members of such Board, its officers and employees, free access to all prisoners confined in the prisons of the State.

"Sec. 16. Long Term Sentences. On and after the date this Act takes effect all prisoners who shall receive a sentence in excess of twenty-five years, including sentence of natural life, shall, at the expiration of nineteen calendar years servitude, with a clear prison record, be eligible to be considered for a parole under the provisions of this Act.

"Sec. 17. Credit for Time Earned and Overtime. In computing the time of service of prisoners under this Act there shall be taken into consideration such commutation of time which may be earned by such prisoners for good behavior for overtime service under the laws of this State.

"Sec. 18. Executive Clemency. The provisions of this Act shall not be construed to prevent or limit the exercise by the Board of Pardons and Paroles of this State in recommending clemencies for convicts or by the

Governor of this State of the power of executive clemency upon the proper recommendation from the Board of Pardons and Paroles and which is vested in said Board and the Governor by the Constitution of this State.

"Sec. 19. The members of the Board of Pardons and Paroles who have heretofore qualified under the self-enacting Constitutional Amendment adopted in 1936 and are now serving when this Act takes effect shall constitute the three members of the Board and shall continue in office as such for the full terms for which they have heretofore been appointed."

"Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed. It is expressly provided, however, that if any portion of this Act shall be held unconstitutional, it shall not affect any other portion hereof, or provision herein.

Sec. 3. The fact that there is now no law providing an adequate system of paroles in this State creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the amendment be adopted?

Senator Nelson moved to table the bill subject to call.

Yeas and nays were demanded, and the motion to table subject to call was lost by the following vote:

Yeas—13

Beck	Roberts
Brownlee	Stone
Isbell	of Galveston
Kelley	Stone
Lemens	of Washington
Martin	Sulak
Moffett	Winfield
Nelson	

Nays—15

Aikin	Metcalfe
Burns	Moore
Collie	Pace
Graves	Redditt
Hardin	Shivers
Head	Small
Hill	Weinert
Lanning	

Absent

Cotten
Spears

Van Zandt

Senator Moffett moved that further consideration of the bill be postponed until Friday, May 19, 1939, at 10:30 o'clock a. m.

The motion prevailed by the following vote:

Yeas—17

Beck	Roberts
Brownlee	Small
Collie	Spears
Isbell	Stone
Kelley	of Galveston
Lemens	Stone
Martin	of Washington
Metcalfe	Sulak
Moffett	Winfield
Nelson	

Nays—14

Aikin	Lanning
Burns	Moore
Cotten	Pace
Graves	Redditt
Hardin	Shivers
Head	Van Zandt
Hill	Weinert

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 1032, "An Act authorizing incorporated cities, towns or villages, independent school districts, common school districts, drainage districts, water control and improvement districts, water improvement districts or navigation districts in this State to avail themselves of the services of County Tax Assessors and Collectors; fixing the compensation of said county officers for said services, and declaring an emergency."

H. B. No. 994, "An Act validating and confirming all procedure in the organization and establishing of certain school district, validating all acts and procedure of school boards and/or County Commissioners' Courts in such districts; making such acts cumulative of all laws and parts of laws not in conflict herewith, and declaring an emergency."

H. B. No. 1003, "An Act to fix the salaries and compensation of County Commissioners in counties with a taxable valuation of not less than Fifty-one Million, One Hundred Thousand (\$51,100,000) Dollars nor more than Fifty-one Million, Four Hundred Thousand (\$51,400,000) Dollars taxable valuation for county purposes according to the valuation as shown on the County Tax Assessor-Collector's rolls for the current year of 1938, and providing for payment of such salaries and the funds from which such salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1007, "An Act providing that in all counties in the State of Texas having a population of three hundred thousand (300,000) inhabitants or more, and less than three hundred and fifty-five thousand, (355,000) inhabitants, according to the last preceding Federal Census, and where such counties have purchased and adopted voting machines for the purpose of holding elections, the County Auditor upon order of the Commissioners' Court shall advertise for bids for the hauling and/or transporting voting machines to the various precincts in the county; providing that the Commissioners' Court shall award contract to the lowest and best bidder; providing that the Commissioners' Court shall reserve the right to reject any and all bids; repealing all laws in conflict herewith, and declaring an emergency."

H. C. R. No. 148, Recalling S. B. No. 181 from the Governor.

H. C. R. No. 147, Authorizing correction in enrolled copy of H. B. No. 28.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 144, Granting permission to Mrs. Harvey Sharp of Wichita

County, Texas, to sue the State of Texas and/or the State Highway Department.

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

**House Concurrent Resolution 144
Referred**

The following resolution, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. C. R. No. 144, to Committee on State Affairs.

Senate Resolution 78

The President laid before the Senate, as unfinished business, the following resolution offered on yesterday by Senator Roberts:

Whereas, The present Legislature has extended for another two-year period the general Oil and Gas Conservation laws; and

Whereas, It has come to the attention of the Legislature that there is no provision in the law which gives the Railroad Commission the authority to regulate the taking of liquid petroleum from all wells in this State; and

Whereas, There are thousands of barrels of liquid petroleum being produced in this State at the present time, which cannot be considered in the oil allowable schedule for this State; and

Whereas, The practice of taking liquid petroleum, which is not considered in the oil allowable schedule, is rapidly growing in this State, but the extent to which such has grown is not known definitely to the members of the Legislature; and

Whereas, It would be to the interest of the Legislature to have this information available to the end that if such were necessary it could enact, intelligently, laws to regulate the taking of such liquid petroleum, now, therefore, be it

Resolved by the Senate of Texas, That the Lieutenant Governor appoint a committee of three to assemble and compile data showing the manner, method, location and extent of such taking of liquid petroleum (by whatever name called) and report such to the Senate at the next session of the Legislature.

With motion by Senator Cotten to refer the resolution to the Committee on Mining, Irrigations and Drainage and motion by Senator Roberts to table the motion to refer pending.

Question—Shall the motion to table the motion to refer prevail?

Motion to Recess

Senator Hill moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—10

Brownlee	Martin
Cotten	Metcalf
Head	Moffett
Hill	Pace
Lemens	Redditt

Nays—19

Aikin	Small
Burns	Spears
Collie	Stone
Graves	of Galveston
Hardin	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Moore	Weinert
Roberts	Winfield
Shivers	

Absent

Beck	Nelson
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Question recurring on the motion to table the motion to refer, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—12

Aikin	Shivers
Lanning	Small
Metcalf	Stone
Moffett	of Galveston
Moore	Stone
Pace	of Washington
Roberts	Weinert

Nays—14

Beck	Hill
Burns	Kelley
Collie	Lemens
Cotten	Martin
Graves	Nelson
Hardin	Redditt
Head	Sulak

Absent

Brownlee
Isbell
Spears

Van Zandt
Winfield

Question next recurring on the motion to refer, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12

Beck
Burns
Collie
Cotten
Hardin
Head

Hill
Kelley
Lemens
Nelson
Sulak
Van Zandt

Nays—16

Aikin
Brownlee
Graves
Lanning
Martin
Metcalf
Moffett
Moore
Pace

Redditt
Roberts
Shivers
Small
Stone
of Galveston
Stone
of Washington
Weinert

Absent

Isbell
Spears

Winfield

Question then recurring on the resolution, it was adopted by the following vote:

Yeas—18

Aikin
Brownlee
Collie
Graves
Head
Lanning
Martin
Metcalf
Moffett
Moore

Pace
Redditt
Roberts
Shivers
Small
Stone
of Galveston
Stone
of Washington
Weinert

Nays—10

Beck
Burns
Cotten
Hardin
Hill

Kelley
Lemens
Nelson
Sulak
Van Zandt

Absent

Isbell
Spears

Winfield

Report of Conference Committee
on Senate Bill 206

Senator Kelley submitted the following report of the Conference Committee on S. B. No. 206:

Austin, Texas,
May 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. B. No. 206, have met and beg leave to recommend that said S. B. No. 206 be passed in the form hereto attached.

Respectfully submitted,

KELLEY,
MARTIN,
STONE
of Washington,
WINFIELD,
LEMENS,

On the part of the Senate.

LEONARD,
VALE,
BOND,
PETSCH,
CELAYA,

On the part of the House.

An Act to simplify proceedings in delinquent tax suits; providing for a simplified form of petition in suits for the collection of delinquent taxes on both real and personal property, and providing for a simplified description of both real and personal property sought to be foreclosed upon; providing that such petition need not be verified; providing for a simplified form of citation; providing that the provisions of this Act shall be cumulative of and in addition to all other rights and remedies to which taxing units are now entitled, but repealing all laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter in suits brought to collect delinquent taxes on real property, the petition shall contain substantially the following allegations:

(a) "The State of Texas, hereinafter called plaintiff, brings this suit in behalf of itself, County,

and for the use and benefit of all political subdivisions whose taxes are collected by the Assessor and Collector of Taxes for said county.

(b) "The defendants are,, and, who reside in County,, and who own or claim some interest in the hereinafter described real property, which is situated in said County.

(c) That as to each tract separately assessed: "That there are delinquent taxes justly due, owing and unpaid against the property described as follows, to-wit: for the following years and in the amounts, to-wit:

Years delinquent

To whom assessed (If unknown so state)

Amounts

together with penalties, interest and costs provided by law or legally accruing thereon in the total amount of \$.....

(d) That all said taxes were authorized by law and each political subdivision in whose behalf this suit is brought was legally constituted and authorized to levy, assess and collect the same and all of said taxes were duly and legally levied and assessed against said real property and the owners thereof (if known) and plaintiff now has and asserts a lien on each tract of real property described and mentioned above to secure the payment of all taxes, penalties, interest and costs due thereon; and all things required by law to be done have been duly and legally performed by the proper officials."

(e) "That all of said above described real estate was, at the time said taxes were assessed, located within the boundaries of the county and each political subdivision in whose behalf this suit is brought."

(f) "The attorney whose name is signed hereto is legally authorized and empowered to institute and prosecute this action on behalf of plaintiff."

Sec. 2. Such form of petition, insofar as applicable, may be used in suits for the collection of delinquent taxes on personal property, and in any such suit, it shall be sufficient to describe such personal property in such general terms as money, notes, bonds, stocks, credits, stocks of goods, wares, merchandise, fixtures, tools, machinery, equipment,

automobiles, household and kitchen furniture and fixtures, beds, dressers, rugs, stoves, heaters, refrigerators, tables, pianos, radios, pictures, trunks, linens kitchen utensils, dishes, silverware, jewelry, or any other appropriate general description, and no other or more particular description or designation shall be required as a prerequisite to a suit to obtain a personal judgment for taxes due upon personal property so described.

Sec. 3. The prayer to any such petition having for its purpose the collection of taxes on both real and personal property shall be sufficient if it contains the following, and if for the collection of either real or personal property taxes without the other, it may be changed so as to make it applicable to the class of property involved, viz:

Wherefore plaintiff prays judgment against defendant for the total amount of said taxes, together with all penalties, interest, costs and other charges or expenses that may be or become legally due and owing, together with foreclosure of the tax lien against the above described real estate securing the amount against each tract of real estate above described and for personal judgment against said defendants owning said personal property at the time same was assessed for taxation for the amount shown to be due on it.

Sec. 4. It shall not be necessary that such petition be verified.

Sec. 5. Hereafter in all suits for delinquent taxes, it shall be sufficient if the citation be substantially in the following form with proper changes to make it applicable to both real and personal property or to real or personal only according to the character of taxes sued for, to-wit:

"The State of Texas:

To the Sheriff or any Constable ofCounty, Greeting:

"You are hereby commanded to summon (by making publication, or by personal service in the manner provided by law): to appear at the next regular term of the District Court of County, Texas, to be held at the court house thereof in the city of on the Monday after the Monday in, A. D. 19... then and there to answer a petition in a delinquent tax suit

filed by the State of Texas suing in its own behalf and also in behalf of County, and all political subdivisions of said county whose taxes are assessed and collected by the assessor and collector of taxes of said county, in said Court on the day of 19...., in a suit numbered on the docket of said Court, wherein the State of Texas is plaintiff and and are defendants. Said suit is a suit to collect taxes on the following described real estate (and/or personal property), to-wit: for the years and in the amounts as follows:

Years Delinquent

.....

To whom assessed
(If unknown so state)

.....

Amounts

.....

together with penalties, interest, costs and expenses which have accrued, or which may legally accrue, thereon.

"(In the event any other taxing unit has intervened at the time such citation is issued, said citation shall also give notice thereof and it will be sufficient, if it contains the following information, to-wit:

' District filed its Petition in Intervention in said cause on the day of 19...., to enforce payment of delinquent taxes on the real estate above described for the years and in the amounts as follows:

Years Delinquent

.....

To whom assessed
(If unknown so state)

.....

Amounts

.....

together with penalties, interest, charges and expenses which have accrued or which may legally accrue thereon').

Plaintiff and/or intervenors also seek the establishment and foreclosure of the lien securing payment of such taxes as provided by law.

"Herein fail not, but have you before said Court, on the first day of the next term thereof, this writ, with your return thereon showing you have executed the same.

"Witness my hand and official seal at my office in Texas, this day of A. D. 19.....

.....
Clerk, District Court
.....County, Texas."

Sec. 6. All of the provisions of this Act simplifying the collection of delinquent State and County taxes, are hereby made available for, and when invoked shall be applied to, the collection of delinquent taxes of all municipal corporations and political subdivisions of this State or any county thereof, authorized to levy and collect taxes.

Sec. 7. The provisions of this Act shall be cumulative of and in addition to all other rights and remedies for the collection of delinquent taxes to which taxing units are now entitled; but if any part or portion of this Act be in conflict with any part or portion of any law of this State, the terms and provisions of this Act shall govern, and to the extent of such conflict, such other laws shall be repealed.

Sec. 8. The fact that there are large amounts of taxes now delinquent in this State, and that the laws governing the collection of such taxes are inadequate, cumbersome and expensive creates an emergency and an imperative public necessity demanding that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senate Bill 192 on Second Reading

Senator Stone of Washington moved that the regular order of business be suspended, to permit consideration of S. B. No. 192 at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Lemens
Beck	Martin
Brownlee	Moore
Collie	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Kelley	Shivers
Lanning	Small

Stone
of Galveston

Stone
of Washington
Weinert

Nays—7

Burns
Cotten
Hill
Metcalf

Moffett
Sulak
Van Zandt

Present—Not Voting

Spears

Absent

Isbell

Winfield

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 192, A bill to be entitled "An Act authorizing Commissioners' Courts to acquire by purchase or by condemnation any new or wider right of way or land not exceeding one hundred (100) feet in width for stream bed diversion and drainage channels in connection with the locating, relocating, construction, reconstruction or maintenance of any public road; and to acquire by purchase or by condemnation land or lands for obtaining earth, stone, gravel or other material necessary or convenient to the construction, reconstruction, maintenance, widening, straightening, or lengthening of any public road and to pay for the same out of the County Road and Bridge Fund or out of any available county funds; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Stone of Washington offered the following amendment to the bill:

Amend S. B. No. 192 by striking out all of the following beginning at word "and" in line 24 and including all to word "road" in line 27 and amend the caption to conform.

The amendment was adopted.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 192 by adding after the word "channels" in line 22 the following: "only".

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 192 on Third Reading

Senator Stone of Washington moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 192 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett

Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert

Absent

Isbell

Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 181, A bill to be entitled "An Act to extend for an additional period of twenty years the provisions of Chapter 22, Acts of the Third Called Session of the Thirty-sixth Legislature and to amend same in other particulars so as to read and be as provided for herein and to aid the city of Aransas Pass in construct-

ing and maintaining sea walls, breakwaters, and other shore protections, including wharves forming part or parts of same in order to protect said city from calamitous overflows by donating to it the eight-ninths (8/9) of the ad valorem taxes collected on property and from persons in San Patricio County for period ending August 31, 1960, and providing a penalty for the misapplication of monies thus donated and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Reports of Standing Committees

By unanimous consent, the following reports were submitted by the chairmen whose names are signed thereto:

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 463, A bill to be entitled "An Act to amend Section 4 of House Bill No. 25, Chapter 24, of the General and Special Laws of the Forty-fifth Legislature, First Called Session, relating to the salary of County Auditors in certain counties; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1085, A bill to be entitled "An Act amending Section 5, of House Bill No. 955, of the Regular Session of the Forty-sixth Legislature, prescribing taxable values in certain school districts; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 462, by Van Zandt, A bill to be entitled "An Act amending Section 1, of Chapter 80, page 122, Acts of the 42nd Legislature, Regular Session, so as to more adequately define the powers of the Governor of Texas in appointing the members of the State Commission for the Blind, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 464, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Duval County; conferring upon said Court complete civil and criminal jurisdiction and general jurisdiction of the probate court due said court under the Constitution and General Laws of Texas; conforming the jurisdiction of the District and Justice Courts of said county to such change; repealing Chapter 60 of the Acts of the 43rd Legislature, First Called Session and all other laws and parts of laws in conflict with this Act; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 181, to Committee on State Affairs.

Adjournment

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 5:25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 461 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 460 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 395 carefully examined, compared and

read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 69 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 402 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Communications

COLUMBIA UNIVERSITY
in the City of New York
University Extension

May 11, 1939.

To the Senate of the State of Texas.
Gentlemen:

May I express to the Senate of the State of Texas my sincere thanks for the spirit which prompted the preparation and the unanimous adoption of the Senate Resolution No. 76. I had hoped, of course, that the Senate would accept the portrait, but I had no idea that its acceptance would take such a gracious form.

The wording of your resolution confirms my own personal opinion of the present Lieutenant Governor of Texas, and I am only too glad to have had a part in this tribute to him. My dream, while working on the portrait, was that I might be able to transfer to the canvas something of the true spirit of Texas as it is so well exemplified by Coke R. Stevenson. If I have succeeded in this, and if it serves as an inspiration to those who shall come after him to hold his high office, I shall be happy indeed.

Signed:

FRANK CALLCOTT,
The artist.

COLUMBIA UNIVERSITY
in the City of New York
University Extension

May 11, 1939.

Mr. Bob Barker
The Senate
Austin, Texas

My dear Mr. Barker:

To say that I appreciated the Senate Resolution No. 76 is to put it all too mildly. As good fortune would have it, it arrived just a few hours before a meeting at our place of the Texas Scroll, an organization of Texans in New York who are actively engaged in creative work in one of more fields of the arts, sciences, or letters. I couldn't resist the temptation of showing it to them, and for the rest of the evening conversation revolved around the topic of Texas and our present Lieutenant Governor.

I hope the enclosed may express to the Senate something of my appreciation of their gracious action.

Sincerely,
FRANK CALLCOTT.

SIXTY-NINTH DAY

(Tuesday, May 16, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Graves Shivers

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Graves was granted leave of absence for today on account of important business, on motion of Senator Spears.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Cotten.

Report of Standing Committee

Senator Winfield submitted the following report of the Committee on Banking:

Austin, Texas,
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 304, A bill to be entitled "An Act to amend Article 1344 of the Revised Civil Statutes, 1925, by providing for the exemption from the provisions of same corporations operating or hereafter to operate under Chapter 40, page 77, Acts of Regular Session of Forty-first Legislature, and having on deposit with the State Treasurer or other approved depository \$100,000 as provided in Section 6 of said Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WINFIELD, Chairman.

House Concurrent Resolution 146

The following resolution, received from the House on yesterday, was laid before the Senate:

H. C. R. No. 146, To provide for certain corrections in H. B. No. 9.

On motion of Senator Stone of Galveston, a full reading of the resolution was dispensed with.

Senator Spears raised a point of order against consideration of the resolution at this time, on the ground